



U.S. Department of Justice

Immigration and Naturalization Service

DLX

OFFICE OF ADMINISTRATIVE APPEALS

425 Eye Street N.W.

ULLB, 3rd Floor

Washington, D.C. 20536

FILE: [REDACTED]

Date:

IN RE: Applicant: [REDACTED]

MAY 24 2000

APPLICATION: [REDACTED]

IN BEHALF OF APPLICANT: [REDACTED]

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly

Terrance M. O'Reilly, Director
Administrative Appeals Office

Identifying information should be
prevent clearly unwarranted
release of personal privacy

DISCUSSION: The application was denied by the District Director, Cleveland, Ohio, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The record reflects that the applicant was born on August 6, 1943 in Ann-Tong, China. The applicant's father, [REDACTED], was born in China in 1909. The applicant's mother, [REDACTED] was born in 1910 in China. The record fails to show that either of the applicant's parents ever had a claim to United States citizenship. The applicant's parents married each other in 1917. The applicant was lawfully admitted for permanent residence on September 24, 1976 as a third preference immigrant.

The district director reviewed the application and determined that the record failed to show that the applicant was eligible for the benefit sought. The district director then requested the applicant to submit documentation to support the application. After failing to receive the requested documentation, the district director denied the application accordingly.

On appeal, the applicant asserts that he has been a lawful permanent resident since September 1976, has paid his taxes annually, is the president of a medical practice employing nearly 100 employees, has no criminal record and cannot understand why his citizenship application was denied.

The applicant filed the Application for Certificate of Citizenship (Form N-600) on July 1, 1998. A review of the record as constituted fails to reveal any statute under which the applicant could have automatically acquired U.S. citizenship at birth abroad, or could have derived U.S. citizenship through a parent's naturalization. Therefore, the appeal will be dismissed.

This decision is without prejudice to the applicant seeking U.S. citizenship through normal naturalization procedures by filing an Application for Naturalization (Form N-400) with the local Service office.

ORDER: The appeal is dismissed.